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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,872	02/08/2001	Shusou Wadaka	2565-0225P	9099

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EXAMINER

BUDD, MARK OSBORNE

ART UNIT PAPER NUMBER

2834

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

7788 72

Applicant(s)

Wadaka et al

Examiner

M. Budd

Group Art Unit

2834

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

3

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8-23-02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 17-62 is/are pending in the application.
- Of the above claim(s) 17-23 and 41-62 60 1-8-03 is/are withdrawn from consideration.
- ☐ Claim(s) 17-23 and 41-62 60 1-8-03 is/are allowed.
- ☒ Claim(s) 24-40, 61, 62 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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Claims 24-33 and ⁴⁰~~44~~ are rejected under 35 U.S.C. 102 as clearly anticipated by Krishnaswamy, Carran, Vale or Japan (804) for the specific reasons set forth in paper no. 6 (5-29-02).

Claim 34 is rejected under 35 U.S.C. 103 as being unpatentable over Japan (804), Vale or Krishnaswamy in view of Berlincourt for the explicit reasons noted in paper no. 6 (5-29-02).

Claims 35-39, 61 and 62 are rejected under 35 U.S.C. 103 as being unpatentable over Krishnaswamy, Japan (804), Vale or Curran for the reasons stated in paper no. 6 (5-29-02).

Regarding applicants comments, claims 24-46 are drawn to an apparatus and not a method of making. The method of manufacture is not germane to the patentability of apparatus claims.

Each of the references applied is a separate statutory bar to the patentability of claims 24-33 and 40 (35 U.S.C. 102). Limiting the number of applied references to four is not seen as an unreasonable burden and serves to reinforce the unpatentability of the claims.

Previously in the prosecution applicant argued that the prior art taught devices with the same properties on each wafer, now applicant argues they show different properties on the same wafer. Regardless, a wafer containing a pass band filter will have several different frequencies on that wafer. A wafer meant to be cut apart to form single resonators will have each resonator tuned to the same frequency. Which device is applicants apparatus limited to? Note again the method steps listed in these apparatus claims are not considered as limiting in the final structure.

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Claim 60 is directed to a method of manufacture and thus claim 60 and its dependent claims 17-23 are properly grouped with the other method claims 41-59. The method claims are withdrawn from further consideration.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

MARK J. BODD
PRIMARY EXAMINER
ART UNIT 212